

REMARKS

Applicants and the undersigned wish to thank the Examiner for the time and effort accorded this application. Claims 1-17 are pending in this application. No amendments to the claims are submitted at this time.

Rejections under 35 U.S.C. 102

Claims 1-13 and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,780,939 to Guerin et al, (hereinafter "Guerin").

The Examiner alleges that Guerin teaches a process for preparation of hydrogenated nitrile rubbers having the steps of reacting a nitrile, copolymerizable monomer, and ruthenium/osmium carbene catalyst. Applicants respectfully disagree. The Examiner further alleges that our previously filed arguments were considered but not found persuasive. However, the Examiner has merely recited his previous rejection and has provided no comment or citation in Guerin, where it is taught to perform the claimed process in the absence of a co-olefin. Therefore, Applicants have restated their previous arguments which clearly illustrate Guerin does not anticipate the present claimed invention.

Guerin fails to teach or suggest a process by which metathesis occurs in the absence of a co-olefin as recited in step a) of independent Claim 1, "reacting a nitrile rubber in the absence of any co-olefin". In particular, Guerin clearly states that "The metathesis reaction is carried out in the presence of a co-olefin", (column 5, lines 60-61), and refers to the nitrile rubbers as being "prepared by the olefin metathesis of nitrile butadiene rubber" (column 3, line 18). Accordingly, Guerin fails to teach or suggest each and every limitation of independent Claim 1 and fails to anticipate the currently claimed invention.

Claims 2-13 and 15 either directly or indirectly depend from and add further limitations to independent Claim 1 and are, respectfully, deemed allowable at least for the same reasons in combination with independent Claim 1. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

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Rejections under 35 U.S.C. 102

Claims 14 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerin et al, (hereinafter "Guerin") in view of Rau et al. (hereinafter "Rau"). Applicants respectfully traverse this ground of rejection.

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught to suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (Fed. Cir. 1974)". As discussed above, the present invention is directed to a process for the preparation of an optionally hydrogenated nitrile rubber, wherein the nitrile rubber is reacted in the presence of a compound as claimed in the absence of any co-olefin. As discussed above, Guerin fails to teach the elements of the claimed invention, specifically Guerin teaches the inclusion of a co-olefin as discussed above.


Applicants submit the deficiencies of Guerin are not overcome by combination with Rau. Rau discloses hydrogenated nitrile rubber compositions containing thermoplastic polyolefins. According to the Office Action, Guerin differs from the present invention in that the nitrile rubber has a peroxide and a process for injection molding polymer composites. Again, Applicants submit this is not accurate; Guerin differs also because Guerin teaches the presence of a co-olefin. Rau does not disclose the missing elements of Guerin to render the present invention obvious. Specifically Rau does not disclose a process conducted in the absence of a co-olefin. Accordingly, Applicants request withdrawal of this ground of rejection.

Applicants submit that Claims 1-17 are in condition for allowance and notice to such effect is respectfully requested. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

The USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 CFR 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

By



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